

CITY-COUNTY GENERAL ORDINANCE NO. 57, 1994
Proposal No. 194, 1994

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 94-AO-1

A GENERAL ORDINANCE amending the Central Business District Zoning Ordinance of Marion County, Indiana, by repealing the CBD-Special Development District Zoning Ordinance and including the language of that ordinance into the Central Business District Zoning Ordinance as Section 2.04.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The CBD-Special Development District Zoning Ordinance, as adopted under Metropolitan Development Commission Docket Numbers 68-AO-7, 81-AO-8 and 85-AO-1, as amended, pursuant to IC 36-7-4, is hereby repealed.

SECTION 2. The language of the CBD-Special Development District Zoning Ordinance shall be combined into The Central Business District Zoning Ordinance as specified in SECTION 3, below.

SECTION 3. The Central Business District Zoning Ordinance of Marion County, Indiana, as adopted under Metropolitan Development Commission Docket Numbers 64-AO-1, 81-AO-4 and 93-AO-1, as amended, pursuant to IC 36-7-4, be further amended by deleting the stricken-through language and inserting the underscored language as follows:

CHAPTER I

Sec. 1.00. Establishment of Central Business Zoning Districts.

The following primary Central Business Zoning Districts for Metropolitan Indianapolis, Marion County, Indiana, are hereby established, and land within Indianapolis is hereby classified, divided and zoned into said districts as designated on the Central Business Zoning Districts MAPS, which Maps are attached hereto, incorporated herein by reference and made a part of this ordinance:

CENTRAL BUSINESS ZONING DISTRICTS

Symbol

CBD-1	Central Business District One
CBD-2	Central Business District Two
CBD-3	Central Business District Three
<u>CBD-S</u>	<u>CBD-Special Development District</u>

CHAPTER II

Sec. 2.00. Central Business Zoning District regulations.

The following regulations shall apply to all land within the Central Business Zoning Districts. After the effective date of this ordinance:

1. With the exception of legally established nonconforming uses, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this ordinance.

2. No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed, or relocated except in conformity with these regulations and for uses permitted by this ordinance.

Provided, however, legally established nonconforming uses may be reconstructed if damaged or partially destroyed by fire or other disaster when such damage or destruction does not exceed two-thirds (2/3) of the gross floor area of the structures or facilities affected.

Sec. 2.01. Central Business District One (CBD-1) regulations.

A. *Permitted CBD-1 uses.* Permitted uses in the CBD-1 District shall conform to the regulations of Section 2.00, the CBD-1 Development Standards of Section 2.01, B and the CBD-1 Performance Standards of Section 2.01, C. The following uses shall be permitted in the CBD-1 District:

- ~~17~~ 1. Accessory off-street parking within buildings, anywhere within the CBD-1, provided:
- a. The gross floor area devoted to off-street parking, including access drives and maneuvering space, does not exceed twenty-five (25) percent of the total gross floor space of the building in which said off-street parking is located; and
 - b. Said off-street parking shall be incidental and accessory to the primary use or uses of the building in which said off-street parking is located.
- ~~3~~ 2. Apartment hotels, hotels, ~~motor hotels~~ motels.
- 4 3. Apartments.
- ~~6~~ 4. Banks; savings and loan offices.
- 2 5. Business, professional and customer service offices.
- ~~18~~ 6. Drive-in services (not including goods and food) shall be permitted in the CBD-1 District by special exception only upon ~~issuance~~ grant of a special exception ~~PERMIT therefore~~ by the metropolitan board of zoning appeals as set forth in section 2.05. (Drive-in establishments offering goods or food to customers waiting in cars shall not be permitted.)
- ~~16~~ 7. Off-street parking garages, and accessory uses and facilities therefore, provided the lot obtain access only from one or more of the ~~following streets:~~ noted in Section 2.01, B, 3.
- ~~a. New York Street, Maryland Street, Capitol Avenue, Delaware Street.~~
 - ~~b. East Washington Street between Pennsylvania Street and Delaware Street; or West Washington Street between Illinois Street and Capitol Avenue.~~
 - ~~c. East Ohio Street between Pennsylvania Street and Delaware Street; or West Ohio Street between Illinois Street and Capitol Avenue.~~
 - ~~d. North Pennsylvania Street between Ohio Street and New York Street; or West Ohio Street between Illinois Street and Capitol Avenue.~~
 - ~~e. North Illinois Street between Ohio Street and New York Street; or South Illinois Street between Maryland Street and Washington Street.~~
 - ~~f. Virginia, Massachusetts, Kentucky and Indiana Avenues.~~

On lots obtaining access from any other street within the CBD-1 District (excepting Monument Circle) off-street parking garages shall be permitted by special exception only,

upon issuance grant of a special exception ~~PERMIT~~ therefore by the metropolitan board of zoning appeals as set forth in section 2.05.

~~16~~ 8. Off-street parking lots. Provided, however, parking lots or other at- or near-grade open to the air parking uses, commercial or private shall be permitted only for a period not exceeding five (5) years in the area bounded by Talbott Street to the west, East Ohio Street to the north, North Delaware Street to the east, and East Washington Street to the south.

~~12~~ 9. Offices, sales and display rooms for wholesalers, distributors, warehouses, and manufacturers' agents, including stock, accessory storage, ~~and/or~~ warehouse space, provided:

a. Said accessory stock, storage and warehouse space does not exceed seventy-five (75) percent of the total net floor area of the combined office, sales, display, and accessory storage and warehouse space used in the same building by the same firm or enterprise; and

b. In no case shall more than twenty-five (25) percent of the total net floor area in any single building be devoted to such accessory stock, storage and warehouse space.

(In the case of two or more contiguous buildings under single ownership or lease, for purposes of a and b above, such contiguous buildings shall be considered as one building).

10. Outdoor retail sales of beverages, flowers and food from carts on sidewalks and public areas, subject to the provisions of Article XXIII, Chapter 17 of the Code of Indianapolis and Marion County, Indiana.

~~9~~ 11. Printing establishments.

~~13~~ 12. Processing or manufacturing of goods by retailers and wholesalers, provided:

a. the net floor area occupied by said processing or manufacturing plus storage and warehouse space does not exceed seventy-five (75) percent of the total net floor areas used in the same building by the same firm or enterprise; and

b. in no case shall more than twenty-five (25) percent of the total net floor area in any single building be devoted to such processing, manufacturing storage and warehouse space.

(In the case of two or more contiguous buildings under single ownership or lease, for purposes of a and b above, such contiguous building shall be considered as one building.)

~~14~~ 13. Public and semipublic structures, parks and open space.

~~8~~ 14. Public utilities.

~~4~~ 15. Retail sales and service establishments, provided, however, automobile service stations, repair garages, auto sales or service centers or car washes or other similar or comparable service to automotive vehicles or customers in said vehicles shall be prohibited in the CBD-1 District in an area bounded by Talbott Street to the west, East Ohio Street to the north, North Delaware Street to the east, and East Washington Street to the south.

~~11~~ 16. Sales of beverages, flowers and food from a portion of the sidewalk abutting the same business premises, subject to the additional provisions of section 2.01, B. 1, b.

~~7~~ 17. Theatres, auditoriums and amusement facilities.

~~6~~ 18. Transportation facilities and accessory facilities therefore, including but not limited to, waiting rooms, loading docks, storage and associated commercial uses.

B. *CBD-1 development standards.*

1. *Use.*

a. All sales, servicing, processing, manufacturing and storage shall be conducted within completely enclosed buildings, except that the display ~~and/or~~ sale of merchandise may be conducted on open space on the lot, if such open space is located within or in enclosed on three (3) or more sides by the outer dimensions of the building.

b. Retail sales on sidewalks abutting a business

(1) Retail sales of beverages, flowers and food may be carried out on a portion of the sidewalk abutting the same business premises if provided:

(a) Regional Center approval is obtained.

(b) ~~and~~ Permission is secured from the appropriate governmental unit to use the right-of-way.

(c) A detailed site plan showing the use and location all furniture and equipment (including tables, barriers, chairs, signs, awnings, trash receptacles and umbrellas) on the portion of the sidewalk, the color and design of such furniture and equipment and the movement of people on the portion of the sidewalk must be approved by the administrator of the neighborhood and development services division ~~of Planning and Zoning.~~

2. *Bulk control.*

a. Maximum lot coverage and minimum setback: One hundred (100) percent lot coverage shall be permitted, and no front, side or rear setbacks shall be required. Provided, however, if a rear or side setback is provided along any rear or side lot line not abutting an alley, such setback depth shall be not less than ten (10) feet.

b. Height limitations - sky exposure plane: With the exceptions of the signs ~~regulations of section 2.04, B,~~ there shall be no height limitations in the CBD-1 District other than the following sky exposure plan controls, which shall apply to the erection, expansion and alteration of all buildings or other structures in the CBD-1 District.

(1) The Sky Exposure Plane One (1) (as defined in section 2.06) shall be applied to all lots within the CBD-1 District abutting:

(a) New York Street

(b) Ohio Street

(c) Market Street

- (d) Washington Street
- (e) Maryland Street
- (f) Capitol Avenue
- (g) Illinois Street
- (h) Meridian Street
- (i) Pennsylvania Street
- (j) Delaware Street
- (k) Indiana Street
- (l) Massachusetts Avenue
- (m) Kentucky Avenue
- (n) Virginia Avenue

Provided, however, the Sky Exposure Plan Three (3) (as defined in ~~s~~Section 2.06) shall be applied to all lots abutting Monument Circle.

- (2) No part of any building, or other structure on any lot shall penetrate the applicable Sky Exposure Plane except as follows:

A building or other structure may penetrate the Sky Exposure Plane One provided that the area of all architectural elevation facing the street, of all buildings and other structures on the lot (including those portions thereof violating the Sky Exposure Plane) when projected back to the base of the Sky Exposure Plane, establishes an area at the lot line not in excess of the total area of the Lot Frontage Plane (an imaginary vertical plane, having a base coextensive with the front line and extending vertically to its termination at the intersection of the applicable Sky Exposure Plane).

3. *Off-street parking*

- a. Parking garages. Off street parking garages shall be subject to the following requirements:

Entrances and Exits:

- (1) Vehicular entrances and exits to off-street parking garages shall be provided only on the following streets:
 - (a) East New York Street; West New York Street.
 - (b) East Maryland Street; West Maryland Street.
 - (c) North Capitol Avenue; South Capitol Avenue.
 - (d) North Delaware Street; South Delaware Street.
 - (e) West Washington Street between Illinois Street and Capitol Avenue.
 - (f) West Ohio between Illinois Street and Capitol Avenue.
 - ~~(f)~~ (g) North Pennsylvania Street between Ohio Street and New York Street; South Pennsylvania Street between Maryland Street and Washington Street.
 - ~~(g)~~ (h) North Illinois Street between Ohio Street and New York Street; South Illinois Street between Maryland Street and Washington Street.

~~(H)~~ (i) Indiana, Massachusetts, Kentucky and Virginia Avenues.

~~(H)~~ (j) ~~West~~ East Washington Street between Pennsylvania Street and Delaware Street.

(2) Off-street parking entrances or exits shall be located a minimum distance of twenty-five (25) feet from the nearest point of two intersecting street right-of-way lines. Such access cuts shall further conform to all requirements of traffic engineering departments having jurisdiction thereof.

(3) Vehicular entrances and exits to off-street parking garages shall not be provided on any alley except for emergency purposes only.

b. Parking lots. Off-street parking lots shall be subject to the following requirements:

(1) The parking area shall not be used for permanent storage or the display, advertisement, sale, repair, dismantling or wrecking of any vehicle, equipment or materials.

(2) Parking areas shall be paved with concrete or improved with a compacted macadam base, and surfaced with an asphaltic pavement to adequately provide a durable and dust-free surface. Parking areas shall be maintained in good condition and free of weeds, dirt, trash and debris.

(3) The surface shall be graded and drained in such a manner that there be no free flow of water onto either adjacent properties or sidewalks.

(4) The parking area shall be provided with bumper guards or wheel guards so located that no part of the parked vehicles will extend beyond the boundary of the established parking area.

(5) Lighting facilities used to illuminate the parking areas shall be so located, shielded and directed upon the parking area that they do not glare onto or interfere with street traffic, adjacent buildings, or adjacent uses.

4. *Off-street loading.*

a. Location

(1) All off-street loading areas shall be located within two hundred (200) feet of the lot served.

(2) Off-street loading facilities for separate lots may be provided collectively if:

(a) Such loading facilities are within two hundred (200) feet of all establishments served thereby, and

(b) The size of the collective loading area is determined (in accordance with e. below), by the sum of the total adjusted net floor area for all buildings served by said collective off-street loading facilities.

- (3) Each off-street loading area shall be located with direct vehicular access to an alley only, and in a manner which will least interfere with traffic movements and such that no vehicle or part thereof will protrude into an alley, street or public right-of-way.
- b. Size of off-street loading space. An off-street loading space shall be at least five hundred (500) square feet in area, exclusive of maneuvering area.
- c. Surfacing. All open off-street loading areas shall be paved with concrete, or improved with a compacted macadam base, and surfaced with an asphaltic surface which shall be maintained in good condition and free of weeds, dirt, trash and debris.
- d. Repair and service. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities, except for emergencies developing during occupation of said facilities.
- e. Number of required off-street loading spaces.
 - (1) The number of required off-street loading spaces is based upon the building total adjusted net floor area as defined in section 2.06.
 - (2) Off-street loading spaces shall be provided in accordance with the following minimum requirements:

<i>Total Adjusted Net Floor Area of Building (Square Feet)</i>	<i>No. of Loading Spaces Required</i>
0- 10,000	None
10,001- 100,000	1
100,001- 350,000	2
350,001- 600,000	3
600,001- 850,000	4
850,001-1,100,000	5

For each additional 350,000 square feet of net floor area over 1,100,000 or fraction thereof, one (1) additional loading space shall be provided.

5. *Signs*: Signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.
- C. *CBD-1 performance standards*. All uses established or placed into operation after the effective date of this ordinance shall comply with the following standards. No use in existence on the effective date of this ordinance shall be so altered or modified as to conflict with these standards.
 1. *Vibration*: No use shall cause earth vibrations or concussions detectable beyond the lot lines without the aid of instruments.
 2. *Smoke, dust and particulate matter*: ~~No use shall emit smoke of a density equal to or greater than No. 2 according to the Ringelmann Scale, as now published and used by the U.S. Bureau of Mines, which scale is on file in the office of the Metropolitan Planning Department~~ Smoke, dust, particulate matter any other airborne material shall be subject to the standards and regulations of Chapter Four of the Municipal Code of the City of Indianapolis, which ordinance is on file in the office of the Neighborhood and Development Services Division, Department

of Metropolitan Development of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof.

- ~~3. DUST: No use shall cause dust, dirt or fly ash of any kind to escape beyond the lot lines in a manner detrimental to or endangering the public health, safety or welfare or causing injury to property.~~
- 4 3. *Noxious matter:* No use shall discharge across the lot lines, noxious, toxic or corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
- ~~5~~ 4. *Odor:* No use shall emit across the lot lines odor in such quantities as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
- ~~6~~ 5. *Sound:* No use shall produce sound in such a manner as to endanger the public health, safety or welfare or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat frequency, shrillness or vibration.
- ~~7~~ 6. *Heat and glare:* No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.
- ~~8~~ 7. *Waste matter:* No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana, the Indiana State Board of Health, ~~and~~ the Stream Pollution Control Board of the state of Indiana, and the Department of Public Works, or in such a manner as to endanger the public health, safety or welfare or cause injury to property.

Sec. 2.02 Central business district two regulations.

A. *Permitted CBD-2 uses.* Permitted uses in the CBD-2 District shall conform to the regulations of Section 2.00, the CBD-2 Development Standards of Section 2.02, B and the CBD-2 Performance Standards of Section 2.02, C. The following uses shall be permitted in the CBD-2 District:

1. Attached multifamily dwellings, as defined in Section 2.06.
2. Banks, savings and loan offices.
3. Business, professional and consumer service offices.
4. City market place.
- 4 5. Dwelling unit(s), as defined in Section 2.06.
- ~~5~~ 6. Hotel, motel.
- ~~6~~ 7. Off-street parking garages ~~and lots.~~
8. Off-street parking lots, provided, however, provided, however, parking lots or other at- or near-grade open to the air parking uses, commercial or private shall be permitted only for a period not exceeding five (5) years in the area bounded by: North Delaware Street on the

west, lots fronting on East Ohio Street between Delaware Ogden Streets on the north, lots fronting on Alabama Street between Ohio and Pearl Streets on the east, and Pearl Street on the south.

- ~~7~~ 9. Off-street parking (accessory) within buildings.
- ~~8~~ 10. Outdoor retail sales of beverages, flowers and food from cart on sidewalks and public areas, subject to the provisions of Article XXIII, Chapter 17 of the Code of Indianapolis and Marion County, Indiana.
- ~~9~~ 11. Printing establishments.
- ~~10~~ 12. Processing, repairing, or manufacturing goods by retailers and wholesalers, provided:
- a. The net floor area occupied by said processing, repairing, or manufacturing plus storage and warehouse space does not exceed seventy-five (75) percent of the total net floor area used in the same building by the same firm or enterprise; and,
 - b. In no case shall more than fifty (50) percent of the total net floor area in any single building be devoted to such processing, repairing, manufacturing, storage and warehouse space.
- (In the case of two or more contiguous buildings under single ownership or lease, for purposes of a and b above, such contiguous buildings shall be considered as one building.)
- ~~11~~ 13. Public and semipublic structure, parks and open space.
- ~~12~~ 14. Public utilities.
- ~~13~~ 15. Retail sales and service establishments, provided, however, automobile service stations, repair garages, auto sales or service centers or car washes or other similar or comparable service to automotive vehicles or customers in said vehicles shall be prohibited in the CBD-2 District in an area bounded by: North Delaware Street on the west, lots fronting on East Ohio Street between Delaware Ogden Streets on the north, lots fronting on Alabama Street between Ohio and Pearl Streets on the east, and Pearl Street on the south.
- ~~14~~ 16. Sales of beverages, flowers and food from a portion of the sidewalk abutting the same business premises, subject to the additional provisions of Section 2.02, B, 1, c.
- ~~15~~ 17. Theatres, auditoriums and amusement facilities.
- ~~16~~ 18. Transportation facilities and accessory facilities therefore including but not limited to waiting rooms, loading docks, storage and associated commercial uses.
- ~~17~~ 19. Wholesaling and warehousing establishments.
- B. *CBD-2 development standards.*
1. *Use.*
- a. Outdoor display: Outdoor display, sales and service shall be permitted, provided:

- (1) The outdoor display of goods or materials shall not include the storage or stockpiling of materials.
 - (2) All goods and materials shall be located within the lot, and not encroach upon any public right-of-way.
 - (3) The outdoor display of materials or goods shall not occupy an area greater than twenty-five (25) percent of the gross floor area of the main structure occupying the lot; except, however, outdoor display of motor vehicles shall be permitted (with or without a main structure occupying the lot), provided:
 - (a) The outdoor space is not utilized for the repair, dismantling or wrecking of any vehicle.
 - (b) No attention attracting devices, including but not limited to flags, pennants, flashing lights, etc., are used, except as provided for in ~~section 2.04~~ the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.
 - (c) All lighting facilities used to illuminate the outdoor space are located, shielded and directed upon the outdoor space in such a manner that they do not glare onto or interfere with street traffic, adjacent buildings or adjacent uses.
 - (d) All outdoor space used for the display of motor vehicles shall be paved with concrete or improved with a compacted macadam base, and surfaced with an asphaltic pavement to adequately provide a durable and dust-free surface.
 - (e) The outdoor space used for the display of motor vehicles shall be provided with bumper guards or wheel guards so located that no part of the displayed vehicles will extend beyond the boundary of the established display area.
 - (4) The outdoor display area shall be maintained in good condition and free of weeds, dirt, trash and debris.
- b. Outdoor sales and service.
- (1) Outdoor sales may be conducted in association with outdoor displays.
 - (2) Outdoor sales and service to customers waiting in parked cars (drive-in services) shall be permitted provided:
 - (a) Service is not construed to mean manufacturing, processing, or repairing, dismantling, or wrecking of vehicles, machinery, equipment.
 - (b) Outdoor space is not utilized for the rental, sale, or storage of motor vehicles or trailers.
 - (c) The area on which outdoor service is conducted shall be surfaced and maintained under the standards set forth in section 2.02, B 3, b, (2), (3), (4), and (5).
- c. Retail sales on sidewalks abutting a business.

- (1) Retail sales of beverages, flowers and food may be carried out on a portion of the sidewalk abutting the same business premises provided:
 - (a) Regional Center approval is obtained.
 - (b) Permission is secured from the appropriate governmental unit to use the right-of-way.
 - (c) A detailed site plan showing the use and location of all furniture and equipment (including tables, barriers, chairs, signs, awnings, trash receptacles and umbrellas) on the portion of the sidewalk, the color and design of such furniture and equipment and the movement of people on the portion of the sidewalk is approved by the Administrator of the Neighborhood and Development Services Division of Planning and Zoning.

2. *Bulk Control.*

- a. Maximum lot coverage and minimum setback. One hundred (100) percent lot coverage shall be permitted, and no front, side or rear setbacks shall be required. Provided, however, if a rear or side setback is provided along any rear or side lot line not abutting an alley, such setback depth shall be not less than ten (10) feet.
- b. Height limitations - sky exposure plane. With the exception of the signs ~~regulations of section 2.04, B~~, there shall be no height limitations in the CBD-2 District other than the following sky exposure plane controls, which shall apply to the erection, expansion and alteration of all buildings or other structures in the CBD-2 District.
 - (1) The Sky Exposure Plane Two (2) (as defined in ~~Section 2.06~~) shall be applied to all lots within the CBD-2 District. Except, however, the Sky Exposure Plane One (1) (as defined in ~~Section 2.06~~) shall be applied to all lots within the CBD-2 District abutting:
 - (a) The north side of New York Street between Illinois Street and Capitol Avenue.
 - (b) The east side of Delaware Street between New York Street and Maryland Street.
 - (c) The south side of Maryland Street between Delaware Street and Capitol Avenue.
 - (d) The west side of Capitol Avenue between New York Street and Maryland Street.
 - (2) No part of any building or other structure on any lot shall penetrate the applicable Sky Exposure Plane, except the following:

A building or other structure may penetrate the Sky Exposure Plane One or Two provided that the area of all architectural elevation facing the street, of all buildings and other structures on the lot (including those portions thereof violating the Sky Exposure Plane), when projected back to the base of the Sky Exposure Plane establishes an area at the lot line not in excess of the total area of the lot Frontage Plane (an imaginary vertical plane, having a base coextensive with the front lot line and extending vertically to its termination at the intersection of the applicable Sky Exposure Plane).

3. *Off-street parking.*

- a. Off-street parking entrances or exits shall be located a minimum distance of twenty-five (25) feet from the nearest point of two intersecting street right-of-way lines. Such access cuts shall further conform to all requirements of traffic engineering department having jurisdiction thereof.
- b. Parking lots. Off-street parking lots shall be subject to the following requirements:
 - (1) The parking area shall not be used for permanent storage, or the display, advertisement, sale, repair, dismantling or wrecking of any vehicle, equipment or materials.
 - (2) Parking areas shall be paved with concrete or improved with a compacted macadam base, and surfaced with an asphaltic pavement to adequately provide a durable and dust-free surface. Parking areas shall be maintained in good condition and free of weeds, dirt, trash and debris.
 - (3) The surface shall be graded and drained in such a manner that there will be no free flow of water onto either adjacent properties or sidewalks.
 - (4) The parking area shall be provided with bumper guards or wheel guards so located that no part of the parked vehicles will extend beyond the boundary of the established parking area.
 - (5) Lighting facilities used to illuminate the parking areas shall be so located, shielded and directed upon the parking area that they do not glare onto or interfere with street traffic, adjacent buildings, or adjacent uses.
- c. Required off-street parking. Off-street parking facilities shall be provided for all uses in the CBD-2 District; except, however, all lots within the area known as the Mile Square, bounded by North Street, East Street, South Street, and West Street.
 - (1) Number of Required Off-Street Parking Spaces: One (1) parking space at least nine (9) feet in width and at least twenty (20) in length, exclusive of access drives, aisles, ramps, lanes, etc., shall be provided for each eight-hundred (800) square feet of the building's total adjusted net floor area as defined in section 2.06.
 - (2) Location of Required Parking: All required off- street parking facilities shall be located either on the same lot as the use served or within four hundred (400) feet thereof.
 - (3) Collective Facilities: Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided collectively is not less than the sum of the separate requirements for each such use, and provided that such parking facilities are within four hundred (400) feet of all said separate uses.

4. *Off-street loading.*

a. Location.

- (1) All loading areas shall be located within two hundred (200) feet of the lot served.

- (2) Off-street loading facilities for separate lots may be provided collectively if:
- (a) Such loading facilities are within two hundred (200) feet of all establishments served thereby, and
 - (b) The size of the collective loading area is determined (in accordance with e. below), by the sum of the total adjusted net floor area for all buildings served by said collective off-street loading facilities.
- (3) Off-street loading areas may have direct access from any streets, except on the:
- North side of New York Street between Delaware Street and Capitol Avenue;
 - South side of Maryland Street between Delaware Street and Capitol Avenue;
 - West side of Capitol Avenue between Maryland Street and New York Street;
 - East side of Delaware Street between Maryland Street and New York Street.
- (4) Each off-street loading area shall be located in a manner which will least interfere with traffic movements and such that no vehicle or part thereof will protrude into any alley, street or public right-of-way.
- b. Size of off-street loading space. An off-street loading space shall be at least five hundred (500) square feet in area, exclusive of maneuvering area.
- c. Surfacing. All open off-street loading areas shall be paved with concrete, or improved with a compacted macadam base, and surfaced with an asphaltic surface to adequately provide a durable and dust-free surface which shall be maintained in good condition and free of weeds, dirt, trash and debris.
- d. Repair and service. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities, except for emergencies developing during occupation of said facilities.
- e. Number of required off-street loading spaces.
- (1) The number of required off-street loading spaces is based upon the building total adjusted net floor area as defined in section 2.06.
 - (2) Off-street loading spaces shall be provided in accordance with the following minimum requirements:

*Total Adjusted Net Floor Area
of Building (Square Feet)*

*No. of Loading
Spaces Required*

0- 10,000	None
10,001- 100,000	1
100,001- 350,000	2
350,001- 600,000	3
600,001- 850,000	4
850,001-1,100,000	5

For each additional 350,000 square feet of net floor area over 1,100,000 or fraction thereof, one (1) additional loading space shall be provided.

5. *Signs.* Signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.

C. *CBD-2 performance standards.* The CBD-1 Performance Standards, section 2.01, C shall apply to the CBD-2 District.

Sec. 2.03. Central Business District Three (CBD-3) regulations.

A. *Permitted CBD-3 uses.* Permitted uses in the CBD-3 District shall conform to the regulations of Section 2.00, the CBD-3 Development Standards of Section 2.03, B and the CBD-3 Performance Standards of Section 2.03, C. The following uses shall be permitted in the CBD-3 District:

1. Attached multifamily dwellings, as defined in section 2.06.
2. Banks, savings and loan offices.
3. Business, professional and consumer service offices.
4. Dwelling units, as defined in section 2.06.
5. Hotels, motels.
6. Off-street parking garage, parking lots, and accessory off-street parking within buildings, subject to the regulations of Section 2.03, B.3.
7. Offices, sales and display rooms for wholesalers, distributors, warehouses, manufacturers' agents, including stock, accessory storage, or warehouse space, provided:
 - a. Said accessory stock, stock and warehouse space does not exceed twenty-five (25) percent of the total net floor area of the combined office, sales, display, and accessory storage and warehouse space used in the same building by the same firm or enterprise; and,
 - b. In no case shall more than twenty-five (25) percent of the total net floor area in any single building be devoted to such accessory stock, storage and warehouse space.

(In the case of two or more contiguous buildings under single ownership or lease, for purposes of a and b above, such contiguous buildings shall be considered as one building.)
8. Outdoor retail sales of beverages, flowers and food from cart on sidewalks and public areas, subject to the provisions of Article XXIII, Chapter 17 of the Code of Indianapolis and Marion County, Indiana.
9. Printing establishments.
10. Public utilities.

11. Retail sales and service establishments primary for the convenience of residents or employees of this district, provided:

- a. Such establishments (except for sales of beverages, flowers and food from carts) shall be located within buildings principally used for office, apartment, hotel or off-street parking uses, and
- b. Such establishments shall include any of the following or similar uses of a like nature or character:

bank, savings and loan office
bar, cabaret, night club
barber shop
beauty shop
book store
cleaners and laundry outlet
delicatessen
drug store
florist
gift shop

grocery store
jewelry store
laundromat
men's and women's wear
newsstand
restaurant
~~sales of beverages, flowers~~
~~and food from carts~~
shoe repair shop
stationery store
ticket office

12. Public and semipublic structures, parks, and open space.

13. Sales of beverage, flowers and food from a portion of the sidewalk abutting the same business premises, subject to the additional provisions of section 2.03, B, 1, c.

B. *CBD-3 Development standards.*

1. *Use.*

- a. All business and retail enterprise shall be conducted with completely enclosed buildings.
- b. Drive-in establishments offering goods, food or services to customers waiting in cars shall not be permitted.

c. Retail sales on sidewalks abutting a business. Retail sales of beverages, flowers and food may be carried out on a portion of the sidewalk abutting the same business premises provided:

- (1) Regional Center approval is obtained.
- (2) Permission is secured from the appropriate governmental unit to use the right-of-way.
- (3) A detailed site plan showing the use and location of all furniture and equipment (including tables, barriers, chairs, signs awnings, trash receptacles and umbrellas) on the portion of the sidewalk, the color and design of such furniture and equipment and the movement of people on the portion of the sidewalk is approved by the Administrator of the Neighborhood and Development Services Division.

2. *Bulk control.*

- a. Maximum lot coverage and minimum setback. One hundred (100) percent lot coverage shall be permitted, and no front, side or rear setbacks shall be required. Provided, however, if a rear or side setback is provided along any rear or side lot line abutting an alley, such setback depth shall be not less than ten (10) feet.
- b. Height limitations. There shall be no height limitations or sky exposure plane controls in the CBD-3 District.

3. *Off-street parking.*

- a. Parking garages and accessory parking within buildings.

- (1) Off-street parking garage and accessory off-street parking facilities within buildings located on lots having frontage upon North Meridian Street or North Pennsylvania Street shall:

Be developed as an integral part of an associated apartment, office, hotel or other permitted principal use structure, with no exterior evidence of the parking use perceptible on the Pennsylvania or Meridian Street frontage, except for ingress and/or egress from North Meridian or North Pennsylvania Streets.

- (2) Off-street parking entrances or exits shall be located a minimum distance of twenty-five (25) feet from the nearest point of two intersecting street right-of-way lines. Such access cuts shall further conform to all requirements of traffic engineering departments having jurisdiction thereof.

- b. Parking lots.

- (1) The off-street parking requirements and regulations of the CBD-2 District (section 2.02, b 3, a and b) shall apply to the CBD-3 District.
 - (2) No open parking shall be permitted on any lot having frontage upon North Meridian Street or North Pennsylvania Street, except where there is an intervening structure of at least one story between the entire open parking area of said lot and North Meridian Street or North Pennsylvania Street.

4. *Off-street loading.* The requirements and regulations of the CBD-2 District (Section 2.02, bB, 4) shall apply to the CBD-3 District, except:

- a. Off-street loading areas may have direct access from any streets, except:

- (1) North Meridian Street;
 - (2) North Pennsylvania Street; and
 - (3) the north side of east and West New York Street.

5. *Signs.* Signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.

C. *CBD-3 performance standards.* The CBD-1 Performance Standards, section 2.01, C shall apply to the CBD-3 District.

Sec. 2.04. ~~Reserved~~ CBD-Special Development Zoning District.

A. Permitted uses. Permitted uses in the CBD-S District shall conform to the regulations of Section 2.00, the Development Standards of Section 2.04, B and the Performance Standards of Section 2.03, C.

Subject to the provisions of this section, any appropriate planned land use, complex or combination of land uses as designated and specified in the amending petition or ordinance zoning land to the CBD Special Development District may be permitted. By example, the following uses may be appropriate in the CBD-S District:

1. Attached multifamily dwellings, as defined in Section 2.06.
2. Commercial office-multifamily residential complex, or other planned complex, which may include business, professional and consumer service offices, retail sales and service uses, or other appropriate uses and accessory facilities.
3. Hotels, motels.
4. Office-commercial-industrial research and development park or complex.
5. Off-street parking garage, parking lots, and accessory off-street parking within buildings.
6. Public and semipublic structures and uses, parks and open spaces, including, but not limited to, museums, auditoriums, theatres, amphitheaters, exhibition halls or exhibition spaces, zoos, civic centers, libraries, governmental office complex, greenways, and recreational uses such as sports stadia, marinas, and similar uses.
7. Restaurant.

All land use within the CBD-S District shall be limited to the use or uses specified in the applicable rezoning petition or ordinance redistricting and zoning the particular land to the CBD-S District.

A site and development plan for a proposed District shall be filed with the zoning petition and approved by the Metropolitan Development Commission. The Commission may approve, amend or disapprove the plan or any amended plan and may impose any reasonable conditions upon its approval. If such plan submitted is a preliminary rather than final plan, the Commission's approval shall be conditioned upon the approval, by the Administrator of the Neighborhood and Development Services Division, Department of Metropolitan Development, of a final site and development plan, in total or in phases. Such final plan approval by the Administrator shall be conditioned upon the Administrator's finding that the final plan is consistent and in substantial conformity with the preliminary plan, as approved by the Metropolitan Development Commission. If the Administrator does not so find, the applicant may appeal the Administrator's decision to the Metropolitan Development Commission, and the Commission shall determine, after hearing, whether the Administrator's decision should be sustained.

B. Development standards. The following regulations shall apply to all land within the District: All District uses shall:

1. be so planned, designed, constructed and maintained as to create a superior land development, in conformity with the Comprehensive Plan of Marion County, Indiana;

2. create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the District and with adjacent uses;
3. provide sufficient and well-designed access, parking and loading areas;
4. provide traffic control and street plan integration with existing and planned public streets and interior access roads;
5. provide adequately for sanitation, drainage and public utilities; and,
6. allocate adequate area for all uses proposed, the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan for Marion County, Indiana.

C. Performance standards. The CBD-1 Performance Standards, Section 2.01, C shall apply to the CBD-3 District.

Sec. 2.05. Special exceptions.

A. *Special exceptions.*

1. *Special exceptions granted by Metropolitan Board of Zoning Appeals.* The Metropolitan Board of Zoning Appeals of Marion County, Indiana, is hereby authorized to grant ~~and permit~~ special exceptions to the Central Business Districts standard terms, regulations and requirements, as specified in this ordinance, ~~and issue special exceptions permits therefore.~~
 - a. Such special exceptions ~~and permit~~ shall be granted (following application filed with the Secretary of said Board by the landowner petitioner, notice to owners of adjoining parcels of land and public hearing by said Board--all in accordance with the Rules of Procedure of the Metropolitan Board of Zoning Appeals) only upon the Metropolitan Board's determination that:
 - (1) The grant will not be injurious to the public health, safety, convenience or general welfare.
 - (2) The grant will not injure or adversely affect the adjacent area or property values therein.
 - (3) The grant will be in harmony with the character of the district and land use authorized therein.
 - b. The grant of such Special Exception ~~and Permit~~ shall be conditioned upon the following requirements:
 - (1) The proposed use shall conform to all performance standards of the applicable Central Business District.
 - (2) The proposed use shall conform to all development standards of the applicable Central Business District, except as specifically modified by the grant of Special Exception ~~and Permit~~.

- (3) The proposed use shall conform to all other applicable requirements of this ordinance and all restrictions and conditions attached to the grant of Special Exception ~~and Permit~~ by said Board—(in case of conflict, ^r the more restrictive standards or requirements are to control). All restrictions or conditions attached to the grant of any special Exception ~~and Permit~~ by the Metropolitan Board of Zoning Appeals shall be limited by standards (1), (2) and (3) of paragraph a. above, and shall be imposed by said Board to ensure compliance with said standards.

Sec. 2.06. Construction of language and definitions.

A. Construction of language. The language of this ordinance shall be interpreted in accordance with the following regulations:

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this ordinance and any illustration or diagram, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for", includes "arranged for", "designed for", intended for", "maintained for", or "occupied for".
7. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", or "either...or", the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either...or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

B. Definitions. The following definitions shall be applied for purposes of this ordinance:

1. *Alley:* A public way, the right-of-way of which is less than thirty-five (35) feet in width.
2. *Attached multi-family dwellings:* A building or buildings for residential purposes with three or more dwelling units, having common or party wall or walls, on a single lot. Each unit is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common or individual stairwell(s) exterior to any dwelling unit(s).

3. *Dwelling unit:* One or more rooms connected together in a residential building or residential portion of a building, which are arranged, designed, used and intended for use by one or more human beings living together as a family and maintaining a common household for owner occupancy or rental or lease on a weekly, monthly, or longer basis; and which includes lawful cooking, eating, sleeping space and sanitary facilities reserved solely for the occupants thereof.
4. *Family:* One or more human beings related by blood, marriage, adoption, or guardianship together with incidental domestic servants and temporary, non-compensating guests; or, not more than four (4) human beings not so related, occupying a dwelling unit and living as a single housekeeping unit.
5. *Lot:* Any area of land designated as a lot on a platted subdivision or described on a duly recorded deed or parcel of land or site which is occupied, or intended for occupancy, by one (1) principal use.
6. *Net floor area:* The sum of the gross horizontal areas of the one or several floors and basements of the building or portions thereof devoted to permitted uses, not including, however, floor area devoted primarily to storage purposes; floor area devoted primarily to storage purposes; floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space; or floor area used for toilets, rest rooms, utilities, lounges, elevator shafts, main corridors and stairwells, or cafeterias for the use of employees only. Provided, however, for the purposes of determining off-street loading requirements, net floor area shall include floor area devoted primarily to storage purposes, but shall otherwise be defined as above.
7. *Public area:* Land owned or controlled by a governmental unit for public use, including but not limited to sidewalks, plazas and parks.
8. *Signs:* Any structure, fixture, placard, announcement, declaration, device, demonstration or insignia used for direction, information, identification or to advertise or promote any business, product, goods, activity, services or any interests.
9. *Sky exposure plane:* An imaginary sloping surface, consisting of three (3) types, rising over designated lots in the CBD-1 and CBD-2, as specified in sections 2.01, B, 2, and 2.02, B, 2, for purposes of limiting height of buildings, signs and other structures:

(1) Sky Exposure Plane One:

- a. On each street in the CBD-1 [District] designated in section 2.01, B, 2, b, (1) (excepting Monument Circle), and in the CBD-2 [District] designated in section 2.02, B, 2, b, (1), the Sky Exposure Plane One shall have a base which is coincident with the center line of each said street; and
- b. At the base has an elevation equal to the average elevation above mean sea level of the street center line from the intersection of one street center line to the intersection of the next; and
- c. Is included at an angle of seventy-eight (78) degrees measured from the horizontal; and
- d. Extends to a vertical elevation of three hundred (300) feet above the base; and

- e. Then continues vertically at an angle of ninety (90) degrees measured from the horizontal; and
- f. Extends to a vertical elevation, above the base, equal to infinity.

(2) Sky Exposure Plane Two:

- a. On all streets in the CBD-2 [District] (excepting those streets specifically designated in section 2.02, B, 2, (1), the Sky Exposure Plane Two shall have a base which is coincident with the center line of each said street; and
- b. At the base has an elevation equal to the average elevation above mean sea level of the street center line from the intersection of one street center line to the intersection of the next; and
- c. Is inclined at an angle of sixty (60) degrees measured from the horizontal; and
- d. Extends to a vertical elevation of two hundred (200) feet above the base; and
- e. Then continues vertically at an angle of ninety (90) degrees measured from the horizontal; and
- f. Extends to a vertical elevation, above the base, equal to infinity.

(3) Sky Exposure Plane Three:

- a. In the case of all lots abutting Monument Circle, in the CBD-1 [District], as designated in section 2.01, B, 2, b, (1), the Sky Exposure Plane Three shall have a base which is coincident with the center line of the street; and
- b. At the base has an elevation equal to the average elevation above mean sea level of the street center line from the intersection of one street center line to the intersection of the next; and
- c. Is inclined at an angle of sixty-seven and one-half ($67\frac{1}{2}$) degrees measured from the horizontal; and
- d. Extends to a vertical elevation of one hundred eight (108) feet above the base; and
- e. Then continues at an angle of seventy-four (74) degrees measured from the horizontal; and
- f. Extends to a vertical elevation of one hundred fifty (150) feet above the base; and
- g. Then continues horizontally at an angle of zero (0) degrees measured from the horizontal; and
- h. Extends to the alleys known as Wabash, Scioto, Bird and Court streets.

10. *Street*: A public way, the right-of-way of which is at least thirty-five (35) feet in width.

11. *Total adjusted net floor area:*

a. For determining required off-street loading:

(1) To determine total adjusted net floor area:

- (a) Total the net floor area devoted to each use within the building;
- (b) Multiply the total net floor area for each use by the loading floor area factor for such use, as specified in b below;
- (c) Add the results of 2 above; this is the total adjusted net floor area.

(2) Loading floor area factors:

- (a) Retail sales and services-2.0;
- (b) Business, professional and consumer service, motels and motor hotels-1.0;
- (c) Manufacturing and wholesale (exclusive of office, sales and display area)-2.5;
- (d) Residential and apartment hotels-0.5.

b. For determining required off-street parking:

(1) To determine total adjusted net floor area:

- (a) Total the net floor area devoted to each use within the building;
- (b) Multiply the total net floor area for each use by the parking floor area factor for such use, as specified in b below;
- (c) Add the results of 2 above; this is the total adjusted net floor area.

(2) Parking floor area factors:

- (a) Retail sales and services-2.0;
- (b) Residential and apartment hotels-1.0;
- (c) Manufacturing-3.0;
- (d) Hotels and motor hotels-3.0;
- (e) Business, professional and consumer service, and wholesale-1.0.

CHAPTER III

SECTION 3.00. Severability.

~~In any section, subsection, paragraph, subprogram, clause, phrase, word, provision, or portion of this ordinance shall be held to be unconstitutional or invalid by any court of competent jurisdiction,~~

~~such holding or decision shall not affect or impair the validity of this ordinance as a whole or any part thereof, other than the section, subsection, paragraph, subprogram, clause, phrase, word, provision or portion so held to be unconstitutional or invalid.~~

If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

Now be it further ordained that this ordinance shall be in full force and effect from and after its adoption in compliance with IC 36-7-4.

The foregoing was passed by the City-County Council this 25th day of April, 1994 at 9:21 p.m.

ATTEST:



Acting Clerk of the City-County Council



President

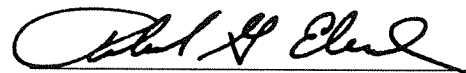
STATE OF INDIANA, MARION COUNTY)

) SS:

CITY OF INDIANAPOLIS)

I, Robert G. Elrod, Acting Clerk of the City-County Council, Indianapolis, Marion County, Indiana, do hereby certify the above and foregoing is a full, true, and complete copy of Proposal No. 194, 1994, a Proposal for a GENERAL ORDINANCE, passed by the City-County Council on the 25th day of April 1994, by a vote of 26 YEAS and 0 NAYS, and was retitled General Ordinance No. 57, 1994, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Indianapolis, Indiana, this 27th day of April, 1994.



Acting Clerk of the City-County Council

(SEAL)